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10  
11 IN THE UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF CALIFORNIA

13  
14 UNITED STATES OF AMERICA,  
15 Plaintiff,  
v.  
16 FERNANDO CASTRO BAZAN,  
17 Defendant.

CASE NO. 2:21-CR-00196-DJC  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER  
DATE: June 1, 2023  
TIME: 9:00 a.m.  
COURT: Hon. Daniel J. Calabretta

18  
19 STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on June 1, 2023. ECF No. 40.

Additionally, this case is also set for a motion hearing on June 8, 2023. ECF No. 41.

2. On April 28, 2022, a federal grand jury in the Southern District of California returned an indictment against Mr. Bazan and two other defendants. *United States of America v. Castro Bazan et al*, 3:22-CR-971-JO. The defendant was arrested for this offense on June 30, 2022 and remains in pretrial custody in the Southern District of California for this separate federal case. Order of detention, 3:22-CR-971-JO, ECF No. 52.

3. By this stipulation, defendant now moves to continue the status conference until June 8, 2023, and to exclude time between June 1, 2023, and June 8, 2023, under Local Codes T4, E, and M.

1       4. The parties agree and stipulate, and request that the Court find the following:

2           a) The government has represented that the discovery associated with this case  
3 includes investigative reports, undercover surveillance footage, recorded calls in English and  
4 Spanish, phone records, and other evidence. All of this discovery has been either produced  
5 directly to counsel and/or made available for inspection and copying. The government is in the  
6 process of obtaining additional discovery to provide to the defense.

7           b) Counsel for defendant desires additional time to consult with her client, review  
8 the current charge, review existing and forthcoming discovery, to prepare pretrial motions, and to  
9 otherwise prepare for trial.

10          c) Counsel for defendant believes that failure to grant the above-requested  
11 continuance would deny her the reasonable time necessary for effective preparation, taking into  
12 account the exercise of due diligence.

13          d) The government does not object to the continuance.

14          e) Based on the above-stated findings, the ends of justice served by continuing the  
15 case as requested outweigh the interest of the public and the defendant in a trial within the  
16 original date prescribed by the Speedy Trial Act.

17          f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
18 et seq., within which trial must commence, the time period of June 1, 2023 to June 8, 2023,  
19 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]  
20 because it results from a continuance granted by the Court at defendant's request on the basis of  
21 the Court's finding that the ends of justice served by taking such action outweigh the best interest  
22 of the public and the defendant in a speedy trial.

23          g) Given the defendant's pending motion to consolidate cases (ECF No. 41), this  
24 exclusion of time is also appropriate under 18 U.S.C. § 3161(h)(1)(D) [Local Code E].

25          h) Given the defendant's current unavailability as a result of his pretrial custody in  
26 another district, this exclusion of time is also appropriate under 18 U.S.C. § 3161(h)(3)(A) [Local  
27 Code M].

28       5. Nothing in this stipulation and order shall preclude a finding that other provisions of the

1 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
2 must commence.

3 IT IS SO STIPULATED.  
4

5 Dated: May 30, 2023

PHILLIP A. TALBERT  
United States Attorney

7 /s/ ADRIAN T. KINSELLA  
8 ADRIAN T. KINSELLA  
Assistant United States Attorney

10 Dated: May 30, 2023

11 /s/ NOA OREN  
12 NOA OREN  
Assistant Federal Defender  
Counsel for Defendant  
FERNANDO CASTRO BAZAN

15 **ORDER**

16 IT IS SO FOUND AND ORDERED this 30<sup>th</sup> day of May, 2023.

18 /s/ Daniel J. Calabretta  
19 THE HONORABLE DANIEL J. CALABRETTA  
20 UNITED STATES DISTRICT JUDGE